

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JUNE 11, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

**SUP-34331 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: L. ERIC CULVERSON - OWNER: VILLAGE SQUARE SHOPPING CENTER, LLC** - Request for a Special Use Permit FOR A MASSAGE ESTABLISHMENT WITH A WAIVER TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIALLY ZONED PROPERTY WHERE 400 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM TWO EXISTING MASSAGE ESTABLISHMENTS WHERE 1,000 FEET IS THE MINIMUM REQUIRED at 9440 West Sahara Avenue, Suite #215 (APN 163-06-816-027), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson)

**IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**13**

**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**5**

**City Council Meeting**

**0**

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda – Protest/Support Postcards

Motion made by RICHARD TRUESDELL to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

MICHAEL E. BUCKLEY, VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

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STEVE GEBEKE, Planning and Development, stated the applicant proposes to locate a massage establishment within a commercial subdivision that contains two existing massage establishments and is located adjacent to residential properties to the north. The required distance separations are intended to prevent an oversaturation of the massage establishment use within a limited area and to provide a buffer within a proposed use and protect the residential properties. Staff recommended denial of the request as the proposed massage establishment is not compatible with the surrounding uses.

ERIC CULVERSON clarified that they intend to lease the space for Endermologie, which treats cellulite. The State of Nevada requires that anyone involved with Endermologie treatment must be a licensed massage provider, but they do not perform massages.

GRETCHEN GIVONE, Training Director for LPG France, indicated she trains people who have purchased the Endermologie device. Training is done on site for chiropractors, massage therapists and doctors. The classes are small with two to three people and herself as she explains the device. The use of this device forced them to be classified as a massage establishment.

MS. GIVONE explained for CHAIR TROWBRIDGE that Endermologie is a mechanical device used for treatment of the connective tissue used by massage therapists and aestheticians.

TODD FARLOW appeared in opposition.

MR. CULVERSON stated they were made aware of the requirement when they applied for a special use permit, and expressed concern that the special use permit would remain with the property in the event they should sell the establishment.

COMMISSIONER ELLSWORTH verified with MS. GIVONE that she presented herself to the other massage establishments but they did not state their support or opposition.

COMMISSIONER EVANS verified the device is certified with the Food and Drug Administration (FDA) and is recognized by the American Chiropractor Association. MS. GIVONE explained how the non-invasive device works and her goal is to train people at this location on this device. MR. CULVERSON added they wanted to be able to provide treatment in addition to the training.

MARGO WHEELER, Director of Planning and Development, explained that this particular special use permit could be considered as a specific type of massage with an added condition that all massage conducted at this establishment shall be by means of using an LPG mechanical device. That would specify what type of massage is allowed at this location. COMMISSIONER EVANS pointed out the condition would protect the City in terms of the proliferation of massage establishments.

MR. CULVERSON felt the condition was reasonable but indicated that they would probably go out of business without the massage use. He noted that this type of business should have a

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clearer distinction to protect future businesses from being swept into the massage establishment use. COMMISSIONER EVANS stated he could not support the request without the caveat that specifies the sole function of the business.

MS. GIVONE added that it would help if they were able to provide hands-on facials along with the LPG device. MS. WHEELER clarified that a facial does not require a special use permit. MS. GIVONE remarked she was told she would not be allowed to provide a facial without the permit. MS. WHEELER indicated that the issue before the Commission is a land use issue and a facial is not considered a massage. A massage is a body massage. The condition she offered has to do with the massage.

CHAIR TROWBRIDGE added that if the Commission allowed a massage license at this location and the applicant leaves, the location would have a massage use.

COMMISSIONER TRUESDELL was confused about the request and concerned about approving something at this location that confuses the land use and results in numerous massage establishments.

CHAIR TROWBRIDGE declared the Public Hearing closed.

